

TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket
Number

Q58683

In re Application of: Tomonari SENDAI, et al.

Application No.: 09/611,229

Filed: SEP 23 2005

For: FLUORESCENCE OBSERVING APPARATUS

The owner of SHIMADZU KOTO FILM CO., LTD., of one-hundred (100%) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent No. US 6,433,345** as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.



Signature

September 23, 2005

Date

Susan Perng Pan	41,239	(202) 663-7373
Typed or printed name	Reg No.	Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q58683

Tomonari SENDAI, et al.

Appln. No.: 09/611,229

Group Art Unit: 3737

Confirmation No.: 4828

Examiner: Ruth S. Smith

Filed: July 6, 2000

For: FLUORESCENCE OBSERVING APPARATUS

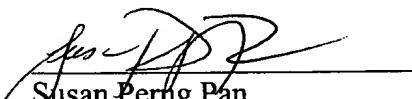
SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,



Susan Perng Pan
Registration No. 41,239

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 23, 2005



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NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1**Patent #:** 6125132 **Issue Dt:** 09/26/2000 **Application #:** 09066910 **Filing Dt:** 04/28/1998**Inventor:** YOJI OKAZAKI**Title:** LASER DIODE PUMPED SOLID STATE LASER, FIBER LASER AND FIBER AMPLIFIER**Assignment: 1****Reel/Frame:** 009140/0169 **Recorded:** 04/28/1998 **Pages:** 2**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** OKAZAKI, YOJI **Exec Dt:** 04/13/1998**Assignee:** FUJI PHOTO FILM CO., LTD.
210 NAKANUMA, MINAMIASHIGARA-SHI
KANAGAWA-KEN, JAPAN**Correspondent:** SUGHRUE, MION, ZINN, MACPEAK & SEAS
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**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

SEPTEMBER 15, 2000

PTAS

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101420125A

UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 07/06/2000

REEL/FRAME: 010951/0466
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SENDAI, TOMONARI

DOC DATE: 06/28/2000

ASSIGNOR:

HAYASHI, KATSUMI

DOC DATE: 06/28/2000

ASSIGNOR:

HAKAMATA, KAZUO

DOC DATE: 06/28/2000

ASSIGNOR:

HAYAKAWA, TOSHIRO

DOC DATE: 06/28/2000

ASSIGNOR:

OKAZAKI, YOJI

DOC DATE: 06/28/2000

ASSIGNOR:

MATSUMOTO, KENJI

DOC DATE: 06/28/2000

010951/0466 PAGE 2

ASSIGNEE:

FUJI PHOTO FILM CO., LTD.
210 NAKANUMA, MINAMIASHIGARA-SHI
KANAGAWA-KEN, JAPAN, JAPAN

SERIAL NUMBER: 09611229
PATENT NUMBER:

FILING DATE: 07/06/2000
ISSUE DATE:

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-01-2000

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Q58683



101420125

To the Honorable Assistant Commissioner for Patents. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Tomonari SENDAI, Katsumi HAYASHI, Kazuo HAKAMATA,
Toshiro HAYAKAWA, Yoji OKAZAKI and Kenji MATSUMOTO

Additional name(s) of conveying party(ies) attached?
 yes no

3. Nature of Conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other

Execution Date: June 28, 2000

2. Name and address of receiving party(ies)?

Name:
FUJI PHOTO FILM CO., LTD.
Internal Address:
210 Nakahuna, Minamiashigara-shi, Kanagawa-ken, Japan
Street Address:
Same as above

City State Zip

Additional name(s) & address(es) attached?
 yes no

4. Application number(s) or patent number(s):

09/611229

If this document is being filed together with a new application, the execution date of the application is:
June 28, 2000

A. Patent Application No.(s)

B. Patent No(s).

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037-3202

6. Total number of applications and patents involved:
One (1)

7. Total Fee (37 CFR 3.41): \$ 40.00
 Enclosed. Please charge any underpayment in connection with this Assignment to Deposit Account No. 19-4880.

Authorized to be charged to Deposit Account

8. Deposit Account No.

(Attach dupl. copy of this page if paying by Deposit Account)

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9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Registration No. 32,778

July 6, 2000

Date

Name Darryl Mexic Reg. No. 23,063

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET, ATTACHMENTS AND DOCUMENT: 2

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Mail documents to be recorded with required cover sheet information to:
Assistant Commissioner for Patents
Box Assignments
Washington, D.C. 20231

1C869 U.S. PRO
09/611229
07/00

Assignment

Whereas, We, Tomonari Sendai, Katsumi Hayashi, Kazuo Hakamata, Toshiro Hayakawa, Yoji Okazaki and Kenji Matsumoto

Japan
hereinafter called assignor(s), have invented certain improvements in

"FLUORESCENCE OBSERVING APPARATUS"

and executed an application for Letters Patent of the United States of America therefor on
June 28, 2000 ; and

Whereas,

Fuji Photo Film Co., Ltd.
210 Nakanuma, Minamiashigara-shi, Kanagawa-ken, Japan
(assignee), desires to acquire the entire right, title, and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

We, the above named assignor(s), hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America, including the right to claim priority under 35 U.S.C. §119, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and we will execute without further consideration all papers deemed necessary by the assignee in connection with the United States application when called upon to do so by the assignee.

We hereby authorize and request my attorneys SUGHRUE, MION, ZINN, MACPEAK & SEAS of 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202 to insert here in parentheses (Application number _____, filed _____) the filing date and application number of said application when known.

Date: June 28,
2000

s/ Tomonari Sendai

Date: June 28,
2000

s/ Katsumi Hayashi

Date: June 28,
2000

s/ Kazuo Hakamata

Date: June 28,
2000

s/ Toshiro Hayakawa

Date: June 28,
2000

s/ Yoji Okazaki

Date: June 28,
2000

s/ Kenji Matsumoto